

MELINDA HAAG (CABN 132612)
United States Attorney

ALEX G. TSE (CABN 152348)
Chief, Civil Division

ERICA BLACHMAN HITCHINGS (MABN 669825)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7015
FAX: (415) 436-6927
erica.hitchings@usdoj.gov

Attorneys for Department of Homeland Security

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSE ANTONIO AGUILAR JARAMILLO,

Plaintiff,

v.

CITY OF SAN MATEO, AND OTHERS

Defendants.

CASE NO. 3:13-CV-00441-NC

STIPULATION AND ~~PROPOSED~~ ORDER FOR
ENLARGEMENT OF TIME AND CONTINUING
HEARING RE: THIRD PARTY SUBPOENA

Date: June 30, 2014
Time: 1:00 pm
Courtroom A, 15th floor

Re: Dkt. 50 and 51

Pursuant to Civil Local Rules 6-2 and 7-12 of the Northern District of California, third-party Department of Homeland Security (“DHS”),¹ Plaintiff Jose Antonia Aguilar Jaramillo (“Plaintiff”), and Defendants, by and through their respective counsel, hereby stipulate to enlarge the time for the parties and DHS to file briefs and to continue the hearing currently scheduled for July 30, 2014 at 1:00 p.m., as follows:

1. On June 26, 2014, Plaintiff and Defendants filed a joint discovery letter brief outlining Plaintiff’s dispute with the Department of Homeland Security regarding a subpoena for documents. Neither DHS nor the United States was served with a copy of this brief;

2. On June 27, 2014, this Court issued an order treating the joint letter brief as a motion to compel compliance with a third party subpoena under Federal Rule of Civil Procedure 45 and ordering DHS to respond to Plaintiff’s letter brief by July 14, 2014, and Plaintiff to reply by July 21, 2014. The Court also set a hearing for July 30, 2014, at 1:00 pm. [Docket No. 51];

3. On June 30, 2014, this Court ordered Plaintiff to serve the Court’s Order at Docket No. 51 on the Department of Homeland Security [Docket No. 52];

4. On June 30, 2014, Plaintiff’s counsel filed a Certificate of Service indicating that he had served the Order, via U.S. mail, on Patricia Spaletta, Office of Chief Counsel with the U.S. Immigrations and Customs Enforcement (ICE);

5. Plaintiff did not serve the United States Attorney’s Office and Attorney General as required to serve a United States agency pursuant to Federal Rule of Civil Procedure 4(i)(2) & 4(i)(1);

6. Accordingly, the U.S. Attorney’s Office did not become aware of or receive a copy of this Court’s order until July 7, 2014;

7. Because the U.S. Attorney’s Office and DHS have only recently become aware of the Court’s Order and the pending motion to compel, the parties and DHS jointly request that the briefing schedule be adjusted as follows:

- a. Department of Homeland Security shall respond to Plaintiff’s letter brief by July 23, 2014;

¹Undersigned counsel for Department of Homeland Security are appearing for the sole purpose of this stipulated continuance request and are not waiving any defenses.

b. Plaintiff Jaramillo will reply by July 28, 2014;

c. The Court will continue the hearing on this matter to August 6, 2014 at 1:00 p.m. in Courtroom A, 15th floor.²

8. No prior extensions of time have been requested or granted regarding this briefing schedule or hearing; and

9. This change will not alter the date of any other events or deadlines already fixed by the Court.

10. THEREFORE, the parties and DHS respectfully request that the Court continue the July 30, 2014 hearing until August 6, 2014, at 1:00 p.m.

DATED: July 9, 2014

Respectfully submitted,

MELINDA HAAG
United States Attorney

By:

/s/ Erica Blachman Hitchings
ERICA BLACHMAN HITCHINGS
Assistant United States Attorney³

Attorneys for Department of Homeland Security

DATED: July 9, 2014

By:

/s/ Mark W. Hostetter
MARK W. HOSTETTER (CA Bar No. 223264)
NATHAN M. ZASLOW (CA Bar No. 223728)
181 Devine Street
San Jose, CA 95110

Attorneys for Plaintiff Jaramillo

² Should the Court not be able to accommodate the requested change to the hearing date, the Parties and DHS request that the Court either maintain the hearing date of July 30, 2014 or continue the hearing until August 27, 2014 with an order that extends the fact discovery deadline for this issue only. Undersigned counsel for DHS will not be available during the weeks of August 11, 2014 or August 18, 2014.

³ I, Erica Blachman Hitchings, hereby attest that I obtained the concurrence in the filing of this document of all signatories whose signatures are represented by /s/.

CLAPP MORONEY BELLAGAMBA VUCINICH
BEEMAN & SCHELEY

DATED: July 9, 2014

By: /s/ Jeffrey M. Vucinich
JEFFREY M. VUCINICH
1111 Bayhill Drive, Suite 300
San Bruno , CA 94066

Attorneys for Defendants

~~PROPOSED~~ **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. Department of Homeland Security shall respond to Plaintiff's letter brief by July 23, 2014; Plaintiff Jaramillo will reply by July 28, 2014; the hearing on this matter is continued to August 6, 2014 at 1:00 p.m. in Courtroom A, 15th floor.

Dated: July 10, 2014

HONORABLE NATHANIEL M. COUSINS
United States Magistrate Judge

